S.B. CIVIL WRIT PETITION NO.4537/2007

National Insurance Co. Ltd.
vs
The Workmen Compensation Commissioner, Chittorgarh.

DATE OF ORDER : - 10.8.2007.

HON'BLE MR.PRAKASH TATIA,J.

Mr. Sanjeev Johari,for the petitioner.

<><><>

Heard learned counsel for the petitioner.

The petitioner has challenged the show cause notice dated 13th April, 2007 issued by the Workmen Compensation Commissioner, Chittorgarh in case no.1/2001.

According to learned counsel for the petitioner in original case no.1/2001 – Kanta Vs. Swant Singh & Ors, the petitioner was not party in the said case no.1/2001, which has already been decided by the Workmen Compensation Commissioner, Chittorgarh vide order dated 28th March, 2007. After that, the Workmen Compensation Commissioner, Chittorgarh become funtus officio so far as case no.1/2001 is concerned and, therefore, no notice could have been issued to the petitioner, who was not party in the case no.1/2001.

I considered the submissions of learned counsel for the petitioner. The plea of the petitioner deserves to be dismissed only

on the ground that the present writ petition has been filed against the show cause notice, that too, issued by the Workmen Compensation Commissioner, Chittorgarh in the case no.1/2001 and any objection about even jurisdiction of the Workmen Compensation Commissioner could have been raised before the same authority. Further, copy of the application alongwith the notice must have been served upon the petitioner and the copy of the said application has not been annexed with this writ petition. Even if, any application has been filed in a decided case and the tribunal thought it fit to issue notice of the application then that can be adjudged only on the basis of the facts alleged in the application.

In view of the above, I do not find any merit in this writ petition. Hence, the writ petition of the petitioner is dismissed.

(PRAKASH TATIA), J.

c.p.goyal/-